

# Module Two

## RESIDENT RIGHTS

**A learning module developed by the Bureau of Facility Standards to train residential care or assisted living facility staff**

### **Why you should take this training.**

**Providing assistance to residents in a residential care or assisted living facility is a very big responsibility. Learning about resident rights will help you provide quality services to the residents in your facility.**

### **What you will learn in this module:**

- ✓ What rights all residential care or assisted living residents have.
- ✓ Things you can do to be sure residents get their rights.

**Residents have the same rights in the facility that they have anywhere else.**

**Residents do not have the right to do things that violate the rights of other residents.**



### **What you need to do to take this training.**

**Ask your Administrator how she or he wants you to do the training. You can do the training on the computer or you can print the training and work with the printed pages. Generally, you can just work through the modules in the order they are listed.**

### **Who to ask if you have questions about this training.**

**If you have questions about the way things are done in your facility, ask your Administrator. If you or your Administrator have questions or**

**comments about the content of the training, ask your Administrator to contact the Bureau of Facility Standards.**

### **Words to know:**

**Abuse – physical, sexual or mental mistreatment or injury that is not accidental.**

**Advanced Directive – Instructions people give in advance about what they want done or not done when they are near death. For example, they can say whether or not they want CPR (cardio-pulmonary resuscitation). The advanced directive is sometimes called a living will.**



**Confidentiality – Protecting personal information that you know about someone.**

**Culture – All of the beliefs and ways of behaving that are shared by a group of people who are associated with each other. It is usually based on people coming from the same area or having the same social status or religion. For example, members of a Native American Tribe might share the culture of the Tribe.**

**Exploitation – the misuse of someone’s funds, property or resources by another person for profit or advantage.**

**Neglect – the failure of a caregiver to provide the things needed by someone to keep the person alive and healthy.**

### **The facility must ensure the following resident rights are protected:**

-  Privacy and confidentiality
  - Personal
  - Medical information
-  Humane care
  - Dignity and respectful treatment

**Resident’s have the right to personal privacy.**

What this means to you

- Knock on the door of a resident's room and get permission to enter.
- Be sure curtains and doors are closed and privacy is provided before helping residents with personal care.
- Keep the resident's body covered as much as possible during personal care.
- Give residents privacy when they are talking to friends and family whether it's in person or on the telephone.

**Residents have the right to confidentiality about their medical and personal information.**

What this means to you

- You will know things about the resident that are personal and private. Confidentiality means you do not share that information with other people except those who need to know in order to provide care to the resident.
- Don't tell anyone about a resident's personal or medical information unless the other person is directly involved with the resident's care. Even if people with good intentions ask about the resident, they need to ask the resident or resident's family.
- Don't put resident records anywhere that they might be seen by someone who doesn't need to see them.
- Don't talk to another staff person about a resident when your conversation can be overheard by visitors or other residents.

**The resident has the right to be treated in a humane (kind) manner and with dignity and respect.**

What this means to you

- Call the resident by the name the resident prefers.
- Don't use words like "sweetie" or "honey" when talking to a resident unless you have asked the resident if it's ok.
- Do things at a pace the resident can accept. It's not respectful to rush the resident.
- If residents come from a different culture, respect the fact that they may look at things differently than you do. Residents' cultural beliefs may affect the way they dress, their personal hygiene, the food they like to eat, and their attitudes toward health care. Be sure you know and respect your residents' preferences.
- Treat people the way that you would like to be treated.

## The facility must ensure the following resident rights are protected:

- ✚ Freedom from abuse
- ✚ Freedom from neglect
- ✚ Freedom from exploitation
- ✚ Freedom from restraints
  - Physical
  - Chemical

**Abuse is physical, sexual or mental mistreatment or injury that is not accidental. The resident is harmed by an action or lack of needed action by another person.**

### What this means to you

- 🟡 **NEVER** abuse a resident. It is a crime. There is NO acceptable reason to intentionally harm a resident. For example, you can never hit, slap, kick, push or treat the resident roughly under any circumstances.
- 🟡 Remember, abuse does not have to be physical. It can also be mental.
- 🟡 Be observant. Here are some things that may indicate a resident has been abused:
  - The resident has bruises, black eyes or injuries that don't seem to have other causes, especially when injuries happen repeatedly.
  - The resident doesn't want to talk about how an injury happened and doesn't want to go to the doctor about it.
  - The resident acts fearful when a particular person is, or has been around.
  - Someone always seems to be angry when she or he is around the resident.
  - Someone speaks harshly to the resident or threatens the resident.
  - The resident seems upset, depressed, anxious or withdrawn and there doesn't seem to be another reason for it.
  - The resident has bruises around the sex organs or breasts (may indicate sexual abuse).
  - The resident tells you he or she was attacked or abused.

These things do not automatically mean the resident is being abused but might make you suspect abuse. If you witness abuse or suspect abuse but aren't sure, tell your Administrator.

- 🟡 If you believe anyone (staff, other resident, family or guest) is abusing a resident, the law requires that it must be reported to the Idaho Commission on Aging or Area Agency on Aging. Be sure you know the phone number of the Idaho Commission on Aging or Area Agency on Aging in your region.
- 🟡 In addition this must be reported to the Licensing and Survey Agency (Bureau of Facility Standards) for your facility. Be sure that you know the phone number of

the hot line for residential care or assisted living facilities at the Bureau of Facility Standards.

**Neglect is not providing food, clothing, shelter or medical care needed to keep a resident alive and healthy.**

What this means to you

- If you do not provide for a resident's basic need for food, clothing, shelter and medical care, it may be neglect.
- Be aware of resident needs. Here are some things that may indicate neglect:
  - The resident doesn't seem to be getting enough water or food.
  - The resident has health problems and nothing is done.
  - The resident is dirty or smells bad.
  - The resident needs supervision and doesn't get it.
- Neglect has the same requirement for reporting as abuse.

**Exploitation is the misuse of a resident's funds, property or resources by another person for profit or advantage.**

What this means to you

- Residents depend on you and usually trust you. You can't "take advantage" of a resident to get money or other property for your own use.
- Even if residents are willing to give or loan you money, you are strongly encouraged not to accept it.
- Be aware of the kinds of things that are considered to be exploitation. Here are some examples:
  - Using a resident's credit card, debit card, or cash to buy things that are not for the resident.
  - Forging checks on the resident's account.
  - Taking the residents possessions.
  - 'Tricking' the resident into buying things for someone else.
- Exploitation has the same requirement for reporting as abuse.

**Restraints are devices or chemicals that prevent residents from doing things that they would otherwise be able to do.**

### What this means to you

- You can't prevent residents from moving freely just because it makes it easier to control them.
- You can't use physical restraints – for example: tying the resident's body, arms or legs to a wheelchair, using side rails to prevent the resident from getting out of bed, or using a special chair the resident can't get out of.
- You can't use chemical restraints - for example: giving residents drugs that keep them so sleepy they can't do things they want to do.
- You can't use either kind of restraint just to make your job easier.
- You can't use restraints just because you think it might make it safer for the resident. You need to find other ways to keep the resident safe.
  - Know your residents. Find out the reasons the resident is doing things that may cause problems and help the resident with the underlying causes. For instance, if a resident is combative when showered in the evening, maybe it's because she or he always took a tub bath in the morning.
  - Calm agitated residents by talking to them in a soothing, reassuring tone.
  - Redirect wandering residents to some other activity.
  - Set up a safe area where residents can move around.
  - Alarms can be placed on beds, wheelchairs or doors so staff will be aware when a resident is about to move around without assistance.

### **The facility must ensure the following resident rights are protected:**

- ✚ Participation in a training program
- ✚ Control of personal possessions and funds
- ✚ Immediate access by people the resident wants to talk to:
  - Family and friends
  - Department of Health and Welfare
  - Ombudsmen and advocacy groups (contact information must be available to residents)
  - Legal service providers

**Many residents, especially residents with disabilities, may benefit from training. If training is available, residents have a right to go to the training, which is usually offered outside of the facility.**

**Residents have the right to spend or not spend their own money as they choose. They also have the right to control their possessions.**

#### What this means to you

- Allow residents to choose what they do with their money. If residents are using their money unwisely, tell your administrator. You shouldn't borrow a resident's money for the use of other residents.
- Encourage residents to bring personal things from home to their room in the facility to make it more like home. Because of limited space, they may not be able to bring everything they want.
- Be careful with resident's possessions. Their own possessions mean a lot to residents.

**Residents have the right to talk to people they want to talk to and the right not to talk to people they don't want to talk to.**

#### What this means to you

- Be sure residents have the opportunity to talk to people they want to unless it violates the rights of other residents.
- Phone numbers of advocacy groups must be available to residents. Be sure residents have these numbers available. The phone numbers are listed on the 'Resident Rights Poster' that has been provided to each facility by the Department of Health and Welfare.
- If residents have made it clear they don't want to talk to someone, tell your administrator.

**The facility must ensure the following resident rights are protected:**

- ✚ Refuse to perform services for the facility
- ✚ To pay consistent with guidelines
  - May choose to volunteer
- ✚ Practice the resident's own religion
- ✚ Control health related services

**The facility cannot force residents to work for the facility. For example, the facility cannot force a resident to do general housekeeping, cooking for other residents or laundry for other residents.**

**If residents choose to work for the facility as employees, they must be paid at the same rate the law requires other people to be paid.**

**Residents can also choose to volunteer to perform work for the facility without pay if the residents want to.**

**Residents have the right to practice their own religion.**

**What this means to you**

- You can't try to force your own religious beliefs on a resident, no matter how much you think it would help them.
- Assist residents to practice their own religion to the extent they can as long as it doesn't interfere with the rights of other residents.

**Residents have the right to choose their own doctor, dentist or other health care provider. They have the right to accept or refuse medical treatments and medicine.**

**What this means to you**

- Allow residents to choose their own health care providers outside the facility.
- If residents refuse medicine or medical treatment, tell your administrator and facility licensed nurse. The facility must be sure residents are able to understand the decision to refuse and should inform the residents what might happen to their health because of their decision to refuse.

**The facility must ensure the following resident rights are protected:**

- + Voice grievances
- + Organize and participate in groups
- + Participate in activities
- + View results of most recent survey

**“Voice grievances” means residents have the right to complain about things they think are wrong.**

**What this means to you**

- If a resident complains about something, work with the resident and your Administrator to fix the problem.
- Residents may not always get exactly what they want, but the facility should work with the residents to reach an acceptable solution.

**Residents have the right to form groups with other residents. Families can also be a part of these groups.**

**Residents have the right to participate in social, religious or community activities as long as they don't interfere with the rights of other residents.**



What this means to you

- Activities can be an important part of a resident's life and happiness. It is important that you help residents take part in activities in ways that they are able to.

**Residents have a right to look at the most recent survey that was done by the state.**

What this means to you

- Look at the module on 'Assisted Living Basics' for information about state surveys. If a resident or family wants to see a copy of the latest survey, tell your Administrator.

**The facility must ensure the following resident rights are protected:**

- ✚ Be informed in writing of his/her rights
- ✚ Appropriate transfer and discharge
- ✚ Exercise his/her rights as a citizen
- ✚ Be informed in writing of the right to formulate an advanced directive

**The facility must provide a written list of rights to residents. Resident rights required by the Department of Health and Welfare are listed in the 'Resident Rights Poster' that has been provided to all facilities.**

**The reasons a resident can be transferred or discharged should be spelled out in the admission agreement. Residents have the right to be transferred or discharged according to what is written in the admission agreement.**

**Residents have the same rights as citizens as if they lived outside the facility.**

What this means to you

- For example, one of the most basic rights of citizens is the right to vote. You may be asked to assist residents to get to the voting place or to request absentee ballots.

**An advanced directive is a way for residents to let other people know what they want done when they are near death. The facility must be sure residents know they have a right to have an advanced directive by providing the information in writing. Residents do not have to make an advanced directive, but must be informed of the right to have an advanced directive if they want to have one. Part of an advanced directive is whether or not residents want to have cardiopulmonary resuscitation (CPR) done if they stop breathing or their heart stops. If the resident wants CPR**

done, it is sometimes called 'Full Code'. If the resident does not want CPR done, it is sometimes called 'No Code' or 'DNR' for Do Not Resuscitate.

What this means to you

- Remember, 'No Code' does not mean the resident's general health needs can be ignored. If 'No Code' residents get the flu or break an arm, they should still get the same medical attention as anyone else.
- Whether a resident is 'Full Code' or 'No Code' be sure you know and understand your facility's policy about what you should do if the resident is unresponsive.

### **The facility must ensure the following resident rights are protected:**

- Participate in the development of, review of and changes to the Negotiated Service Agreement
- Communication in a language he/she can understand

**Residents have the right to take part in developing their Negotiated Service Agreement (NSA). Residents have a say in any changes made to the NSA, not just the first NSA. See the module on 'Assisted Living Basics' to learn more about the NSA.**

**Residents have the right to communication in a language they can understand. Residents have the right to give informed consent when they make decisions about their care. That means they have the right to get all the information they need to make their own choices. Residents need to get information in a way they understand in order to make their decisions.**

What this means to you

- For example: If residents do not speak English, the facility will need to find a way for them to get information in the language they understand.
- Be sure residents understand what you are explaining to them or doing for them so they can make their own decisions.

## Learning exercises:

The following are suggested exercises. Ask your Administrator which ones you should do.

1. Role-play with a co-worker or a friend. Pretend the other person is a new resident at your facility. Make the person welcome and talk to the person about her/his basic rights in the facility. When you are done, ask the person if she/he understood what you said.
2. Pick 5 resident rights you think are most important and write down why you think they are important.
3. Find the phone number that you would use to report abuse of a resident if you ever needed to.
4. Talk to one of the residents about the rights she or he expects to have in your facility.

## Check Your Knowledge

1. Residents have a right to complain about the facility.      True   False
2. Residents have a right to refuse to take a medication.      True   False
3. If a resident refuses to take a medication, who should you tell?
4. If a resident's family abuses the resident when they come to visit, you don't need to report it.      True   False
5. 'No Code' means the resident won't get any kind of medical treatment no matter what.      True   False
6. If residents don't speak English, the facility still needs to make sure they understand the information they are given.      True   False
7. If residents are overweight and want to use their own money to buy candy, you must stop them.      True   False

8. What does confidentiality mean to you?
9. It is ok to put a seatbelt on a resident in a wheelchair if she or he tends to wander. True False
10. Each resident can choose her or his own physician. True False

Answers:

1. True
2. True
3. Your Administrator. The facility nurse should also be told.
4. False
5. False
6. True
7. False
8. Confidentiality means protecting personal information that you know about someone.
9. False
10. True